

1 STEPHANIE M. HINDS (CABN 154284)
2 Acting United States Attorney

3 HALLIE HOFFMAN (CABN 210020)
4 Chief, Criminal Division

5 MOLLY K. PRIEDEMAN (CABN 302096)
6 Assistant United States Attorney

7
8 1301 Clay Street
9 Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
molly.priedeman@usdoj.gov

FILED

Apr 22 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) NO. 21-MJ-70319-MAG
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED] ORDER
16 JOSE OCHOA GUTIERREZ,) EXCLUDING TIME UNDER THE SPEEDY TRIAL
17 Defendant.) ACT AND FEDERAL RULE OF CRIMINAL
) PROCEDURE 5.1(c) AND (d)

18
19 A status conference in this matter is scheduled for April 23, 2021. Counsel for the United States
20 and counsel for the defendant, Jose Ochoa Gutierrez, jointly stipulate and request that the that the status
21 conference be continued to May 21, 2021 at 1:00 pm before Magistrate Judge Kandis A. Westmore and
22 time be excluded under Federal Rule of Criminal Procedure 5.1(c) and (d), and the Speedy Trial Act
23 from April 23, 2021 to May 21, 2021.

24 The government and counsel for the defendant have agreed that time be excluded under Federal
25 Rule of Criminal Procedure 5.1 and the Speedy Trial Act so that defense counsel can continue to
26 prepare, including by reviewing additional discovery that has recently been produced by the
27 government. For these reasons, the parties stipulate and agree that excluding time until May 21, 2021,

28 STIPULATION TO EXCLUDE TIME
AND [PROPOSED] ORDER

21-MJ-70319-MAG

1 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv); FRCP 5.1(c) and
2 (d). The parties further stipulate and agree that the ends of justice served by excluding time from April
3 23, 2021 to May 21, 2021 from computation under the Speedy Trial Act and Federal Rule of Criminal
4 Procedure 5.1(c) and (d) outweigh the best interests of the public and the defendant in a speedy trial. 18
5 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

6 The undersigned Assistant United States Attorney certifies that she has obtained approval from
7 counsel for the defendant to file this stipulation, request, and proposed order.

8
9 IT IS SO STIPULATED.

10
11 DATED: April 22, 2021

/s/ Molly K. Priedeman
MOLLY K. PRIEDEMAN
Assistant United States Attorney

12
13 DATED: April 22, 2021

/s/ Miranda Kane
MIRANDA KANE
Attorney for the Defendant

1 **PROPOSED ORDER**

2 Based upon the representations of counsel and for good cause shown, the Court finds that failing
3 to exclude the time from April 23, 2021 to May 21, 2021, would unreasonably deny defense counsel and
4 the defendant the reasonable time necessary for effective preparation and continuity of counsel, taking
5 into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). The Court further finds that
6 the ends of justice served by excluding the time from April 23, 2021 to May 21, 2021 from computation
7 under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) outweighs the best
8 interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties,
9 IT IS HEREBY ORDERED that the time from April 23, 2021 to May 21, 2021 shall be excluded from
10 computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) and the
11 status conference shall be continued to May 21, 2021 at 1:00 pm before Magistrate Judge Kandis A.
12 Westmore. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv); FRCP 5.1(c),(d).

13
14 IT IS SO ORDERED.

15
16 DATED: April 22, 2021



17 THE HONORABLE ROBERT M. ILLMAN
18 United States Magistrate Judge